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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,024	05/06/2004	Syed Mike Ahmed	030303np	9663
35501	7590	10/17/2007	EXAMINER	
LAFKAS PATENT LLC			BOUTAH, ALINA A	
PO Box 43289				
CINCINNATI, OH 45243-0289				
			ART UNIT	PAPER NUMBER
			2143	
			NOTIFICATION DATE	DELIVERY MODE
			10/17/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/840,024	<b>Applicant(s)</b> AHMED ET AL.	
	<b>Examiner</b> Alina N. Boutah	<b>Art Unit</b> 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/6/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02. The oath or declaration is defective because:

It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

### ***Drawings***

The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. These claims recite in part “wherein the pre-determined standardized form is different based on different fields technical concentration.” It is unclear as to what Applicant is intended by “different.”

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,385,620 issued to Kurzius et al.

Regarding claim 1, Kurzius teaches a computer-implemented system for assisting potential acquirees and potential acquirers to be matched together based on one or more sets of criteria, the system comprising:

one or more computers (figure 1), wherein the one or more computers are connected via Internet (figure 1: 35);

one or more databases (figure 1: 30; figure 3: 30) stored on the one or more computers comprising information, wherein the information is one or more sets of desired criteria respective of the one or more potential acquirers and one or more sets of actual criteria respective of the one or more potential acquirees (col. 4, lines 33-40 – database server 30 includes mapping engine, job indexing engine, filter engine, and a candidate matching engine.

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Candidate mapping engine and job indexing engine reside in the database server to perform processing, indexing, and storage of job candidate qualification data and job posting information);

one or more computer interfaces (figure 2: 84),

wherein one or more persons representing the one or more potential acquirees input the one or more actual criteria respective of the one or more potential acquirees via the one or more computer interfaces, such that the one or more actual criteria respective of the one or more potential acquirees is input as a pre-determined standardized format (figures 14a and 14b; col. 5, lines 49-57 – “web server 20 receives candidate qualification data in the form of a candidate profile from a job candidate using candidate client 40. The candidate profile is entered into a candidate survey form 21 generated by candidate web engine 22... the candidate qualification data maybe communicated to database server 30 for processing, indexing and storage using candidate mapping engine 32.”);

wherein one or more persons representing the one or more potential acquirers input the one or more desired criteria respective of the one or more potential acquirers via the one or more computer interfaces, such that the one or more desired criteria respective of the one or more potential acquirers is input as a pre-determined standardized format (figure 13 – job posting; col. 5, lines 57-67 – “Web server 20 also receives job posting submissions from an employer via employer client 60 using employer web engine 24. Job posting submissions may also be communicated to database server 30 for processing, indexing, and storage using employer indexing engine 34. Recruiter client 50 accesses web server 20 using recruiter web engine 26 in order to review submitted candidate qualification data and job postings.”);

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an automatic matching means, wherein the one or more desired criteria of the one or more potential acquirers and the actual criteria of the one or more potential acquirees are compared to each other, scored on a weighted scale, and matched if a score between the desired criteria and the actual criteria is greater than or equal to a pre-determined value (col. 8, lines 28-35 – “Candidate matching engine 38 is a software module or other suitable combination of software and/or hardware components operable to match candidate records 108 to job posting records 124. Candidate matching engine 38 may include matching algorithms and/or listed hierarchies of matching criteria wherein different weights can be assigned to different criteria depending on empirical data, employer, and/or recruiter preference.” Also see figure 13 and its corresponding detailed description in col. 14, line 55 to col. 15, line 56; col. 24, lines 11-27 – “system 10 can determine whether newsgroup identifiers meet job criterion by a preset level, such as exact keyword match, or within a certain threshold. Such a threshold could be met by keywords that are similar to keywords found in job criterion, or by an experience level that is within a certain acceptable percentage to the potential employer.”); and

an automatic notification means, wherein each of the one or more potential acquirers and the one or more potential acquirees are notified if a score between the desired criteria and the actual criteria is greater than or equal to the pre-determined value (figure 11: 1112; col. 14, lines 25-38 –notifications sent to candidates).

Regarding claim 2, Kurzius teaches the computer-implemented system according to claim 1, wherein the one or more sets of criteria comprises employment status, geographical

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location, technical skill set, cumulative experience in a particular field of work, and combinations thereof (figure 4).

Regarding claim 3, Kurzius teaches the computer-implemented system according to claim 1, wherein the pre-determined standardized format is different based on different fields of technical concentration on the part of the one or more potential acquirers and the one or more potential acquirees (col. 8, lines 27-39).

Regarding claim 4, Kurzius teaches the computer-implemented system according to claim 1, wherein the one or more persons representing the one or more potential acquirers are the one or more potential acquirers (figure 1: recruiter 50).

Regarding claim 5, Kurzius teaches the computer-implemented system according to claim 1, wherein the one or more persons representing the one or more potential acquirees are the one or more potential acquirees (figure 1: candidate client 40).

Regarding claim 6, Kurzius teaches the computer-implemented system according to claim 1, wherein the automatic notification means is an electronic message notification (col. 14, line 32).

Regarding claim 7, Kurzius teaches the computer-implemented system according to claim 1, wherein the score is a numeric value (col. 6, lines 54-55; col. 24, lines 15-16).

Regarding claim 8, Kurzius teaches the computer-implemented system according to claim 1, wherein the weighted scale is pre-determined by the one or more potential acquirers (col. 15, lines 8-19).

Regarding claim 9, Kurzius teaches the computer-implemented system according to claim 1, wherein the one or more actual criteria respective of the one or more potential acquirees is purged from the system after a pre-determined period of time (col. 12, line 64-65).

Regarding claim 10, Kurzius teaches the computer-implemented system according to claim 1, wherein the one or more desired criteria respective of the one or more potential acquirers is purged from the system after a pre-determined period of time (col. 13, lines 2-8).

Regarding claim 11, Kurzius teaches the computer-implemented system according to claim 1, further comprising a rating means for providing feedback regarding the one or more persons representing the one or more acquirers, the one or more persons representing the one or more acquirees, or both (col. 6, lines 40-42).

Regarding claim 12, Kurzius teaches the computer-implemented system according to claim 11, wherein the rating means comprises one or more responses, wherein the one or more response are in the form of numbers, text, symbols, yes/no answers, true/false answers, written comments or combinations thereof (col. 7, lines 23-47).



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Claims 13-15 are similar to claims 1-3, respectively, but in method form rather than system form. Therefore, claims 13-15 are rejected under the same rationale as claims 1-3.

Regarding claim 16, Kurzius teaches the method according to claim 13, wherein the notifying is performed automatically without prompting by a user (col. 14, lines 25-32).

Claims 17-19 are similar to claims 6-8, respectively, but in method form rather than system form. Therefore, claims 17-19 are rejected under the same rationale as claims 6-8.

Regarding claim 20, Kurzius teaches the method according to claim 13, wherein the computer-implemented system is connected to the Internet (col. 20, line 28).

Claims 21-23 are similar to claims 9-11, respectively, but in method form rather than system form. Therefore, claims 21-23 are rejected under the same rationale as claims 9-11.

### ***Conclusion***

It is noted that the column, line, and/or page number citations used in the prior art references as applied by the Examiner to the claimed invention are for the convenience of the Applicant to represent the relevant teachings of the prior art. The prior art references may contain further teachings and/or suggestions that may further distinguish the citations applied to the claims, therefore, the Applicant should consider the entirety of these prior art references during the process of responding to this Office Action. It is further noted that any alternative and non-

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preferred embodiments as taught and/or suggested within the prior art references also constitute prior art and the prior art references may be relied upon for all the teachings would have reasonably suggested to one of ordinary skill in the art. See MPEP 2123.

The prior art listed in the PT0-892 form included with this Office Action disclose methods, systems, and apparatus similar to those claimed and recited in the specification. The Examiner has cited these references to evidence the level and/or knowledge of one of ordinary skill in the art at the time the invention was made, to provide support for universal facts and the technical reasoning for the rejections made in this Office Action including the Examiner's broadest reasonable interpretation of the claims as required by MPEP 2111 and to evidence the plain meaning of any terms not defined in the specification that are interpreted by the Examiner in accordance with MPEP 2111.01. The Applicant should consider these cited references when preparing a response to this Office Action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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AU 2143